

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

PEDRO ROSSELLO, et al.,

Plaintiffs,

v.

BROWN & WILLIAMSON, et al.,

Defendants

CIVIL CASE NO. 97-1910 (JAF)

**THE OPMS' SUBMISSION OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF  
MOTION TO ENFORCE THE ARBITRATION PROVISIONS OF THE MSA**

TO THE HONORABLE COURT:

COME NOW Philip Morris USA Inc., R.J. Reynolds Tobacco Company, and Lorillard Tobacco Company (the "OPMs"), through their undersigned counsel, and respectfully submit seven more decisions supporting their "Motion to Enforce the Arbitration Provisions of the Master Settlement Agreement." (Docket Nos. 262, 263.) With these decisions, offered as supplemental authority, 35 out of 36 MSA courts have now held that the MSA's plain and unambiguous language compels arbitration of the parties' dispute:

1. *Wyoming v. Philip Morris USA Inc.*, No. 26718 (WY D.C. 1/18/2007). (Exhibit 1.)
2. *Maryland v. Philip Morris, Inc.*, No. 96122017/CL211487 (MD Cir.Ct. 1/19/2007).

(Exhibit 2.)

3. *Missouri v. The American Tobacco Co.*, No. 22972-01465 (MO Cir.Ct. 1/22/2007).

Exhibit 3.)

4. *Arizona v. American Tobacco Co.*, No. CV 1996-014769 (AZ Super.Ct. 1/24/2007)  
(order stayed until February 23, 2007, to allow State adequate time to file petition for discretionary

review). (Exhibit 4.)

5. *Oklahoma v. R.J. Reynolds Tobacco Co.*, No. CJ-96-1499 (OK D.C. 1/29/2007). (Exhibit 5.)
6. *Alaska v. Philip Morris Inc.*, No. 1JU-97-915 CI (AK Super.Ct. 2/5/2007). (Exhibit 6.)
7. *Indiana v. Philip Morris Tobacco Co.*, No. 49D07-9702-CT-0236 (IN Super.Ct. 2/7/2007). (Exhibit 7.)

Respectfully submitted.

In San Juan, Puerto Rico this 22<sup>nd</sup> day of February, 2007.

/s/ *Salvador Antonetti-Zequeira*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice to the following: Benjamin Acosta, Jr., Francisco A. Besosa, Edgardo Cartagena Santiago, Jose A. Fuentes Agostini, William A. Graffam, Manuel A. Guzman Rodriguez, Paul H. Hulsey, Juan A. Ramos Diaz, Hector Reichard Jr., Vicente Santori Coll, Francisco M. Troncoso, Richard Schell Asad, Eric A. Tulla. Notice will be served by regular mail to the following non registered attorneys:

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